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10/695,088	10/28/2003	Hitoshi Satoh	ZUIKP0109US	4159

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Mark D. Saralino  
Renner, Otto, Boisselle & Sklar, LLP  
Nineteenth Floor  
1621 Euclid Avenue  
Cleveland, OH 44115-2191

EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/695,088

Applicant(s)

SATOH, HITOSHI

Examiner

Jeff H. Aftergut

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7-12-04, 10-28-03</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 7, 13 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Boothe et al.

Boothe suggested that it was known to apply an stretched elastic upon a substrate which system and process included a means for supplying a continuous elastic member in a stretched condition traveling at a first speed. The reference taught that one skilled in the art at the time the invention was made would have included a carrier having at least a first pad and a second pad for picking up the elastic member from the stretcher and a cutter for cutting off the elastic member. The reference to Boothe additionally suggested that one skilled in the art would have included a disposing station for carrying a web a high velocity greater than the velocity at which the elastic member was disposed upon the carrier and transferring the cut off elastic member from the pad to the web. The elastic was strided over the first and second pad in the cut off operation. The spacing between the first and second pad is shortened at the location of cut off and elastic pick up. Applicant is more specifically referred to column 1, lines 5-15, column 11, lines 4-6, and the transfer segments 40 and the various descriptions describing the motion of the transfer segments from the elastic pick

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up regions, the cutting region and the transfer of the elastic segments onto web 28 operated at a higher speed than the speed with which the elastic was fed.

With regard to claims 7 and 13, applicant is referred to column 6, lines 15-column 7, line 15.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 7-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boothe et al in view of Ujimoto et al.

Boothe et al is discussed above in paragraph 2 and applicant is referred to the discussion above. The reference failed to make mention of the use of an anvil in association with the knife system for severing the elastic material therein. Note that Boothe et al suggested that one skilled in the art would have employed a knife roll 90 to sever the elastics therein wherein the same included a shaft 92 and a plurality of edges 94 for severing the elastic. The applicant is advised, however, that one skilled in the art at the time the invention was made would have understood that the severing means with the knife arrangement for severing the elastic after the elastic was disposed upon the transfer member would have included an anvil that the knife blade would have contacted in the operation. this is evidenced by Ujimoto et al.

Ujimoto et al suggested that those skilled in the art of feeding an elastic material would have included an anvil on the transfer pad member which was associated with a knife for cutting the elastic material after it was applied to the transfer members. More specifically, Ujimoto et al suggested that each rotor element 26 included a suction member 12 on its surface as well as an anvil member 41 associated with each transfer member. The reference suggested that a knife mechanism, not shown, interacted with the anvil member 41 to sever the elastic which was fed onto the transfer member. It should be noted that Ujimoto et al acted in a similar manner to Boothe et al in that the elastic was transferred onto the rotor members at one location at a first speed and then transferred upon another web at a second velocity faster than the velocity at the pick up location. Additionally, the reference to Ujimoto et al suggested that the severing of the elastic would have taken place between two pick up members which were brought together prior to orbiting at a higher velocity to the local of elastic placement. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ an anvil in association with the severing of the elastic members and disposing the same upon transfer members as such would have assisted in the severing of the elastic and would have increased the wear life of the transfer members as suggested by Ujimoto et al in the operation of severing and transferring the elastics upon a substrate in accordance with the techniques of Boothe et al.

With regard to claim 2, note that Ujimoto et al suggested that the anvil would have been disposed at the rear of the transfer member. Regarding claim 3, note that one versed in the art would have understood that the anvil member would have either

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been disposed at the rear of the front of the transfer member and one skilled in the art would have readily appreciated that such was an alternative placement for the anvil member. The elastic would have either been severed at the rear of the first transfer member or the front of the second transfer member. To provide a transfer component which has an anvil at both the rear and the front of the transfer member would have afforded on the luxury of determining the best location of severance. Regarding claims 7-9, note that each of Boothe et al and Ujimoto et al suggested that those skilled in the art would have provided the transfer pads with a plurality of pads thereon. Regarding claims 10-12, note that Boothe et al suggested that one skilled in the art would have been aware that transfer pads with smooth surfaces which only employed vacuum in the transfer operation were known per se in the art. Additionally, note that Ujimoto et al did not provide surface irregularities on the surface of the pads and thus clearly had a smooth surface therein. Regarding claims 13-15, note that the reference to Boothe et al preferred to provide the surface of the transfer members with a rough irregular surface.

5. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 4 further taken with Beaudoin et al and Ales et al.

The references as set forth above in paragraph 4 suggested that those skilled in the art would have retained the elastic with the use of a rough surface, a smooth surface and/or the use of vacuum. There is no indication that one skilled in the art would have retained the elastic on the support and/or transfer member with the use of a retractable needle. The reference to Beaudoin et al suggested that in place of a rough

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surface on a transfer member which retained an elastic thereon one skilled in the art would have incorporated a plurality of needles thereon. The applicant is referred to Figures 6 and 7 and column 6, lines 10-28. the reference failed to teach that the pins 69 employed therein were retractable into the surface of the transfer member. However. One skilled in the art of transferring an elastic upon a substrate with a transfer member would have understood that the pins themselves would have been retractable as evidenced by Ales et al (see pins 24, for example which support the elastic during transfer from lay down on the drum to lay down upon the substrate to be provided with the elastic therein). As it would have allowed for easier transfer of the elastic from a transfer roller, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide retractable pins on the surface of the transfer drum wherein the use of retraction was suggested by Ales et al and the artisan would have understood that the pins would have been an alternative to a rough surface of the transfer members as suggested by Beaudoin et al in the process of picking up and transferring an elastic member from a first local to a second local as set forth above in paragraph 4.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 11, the language "a pad" appears. This language is not clear and concise as a first pad and a second pad have been previously defined. It is unclear whether the applicant intended to refer to the previously identified pads (the first pad and the second pad) or whether the claim was intended to add an additional "pad" as presented. It is suggested that "a pad" be changed to --the first pad and the second pad--.

In claim 4, line 7, the applicant refers to "the anvil", however no "anvil" has been defined in claim 1. It should be noted that an anvil is not introduced into the claims until claim 2 and claim 3. It is therefore suggested that applicant either add that an anvil is present in claim 1 or claim 4 be deleted (as claims 5 and 6 already claim the same subject matter as claim 4 and depend properly upon claims 2 and 3 which describe an anvil).

***Allowable Subject Matter***

8. Claims 4-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

None of the prior art described the positioning of the anvil in the specific local as claimed where the specific relationship of the distances were disclosed. The prior art appears to suggest that the spacing would have been equal rather than as envisioned in these claims.



***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eschler, Oshefsky et al and Tomsovic, Jr. all teach mechanisms similar to that claimed for high speed transfer of a discrete component from one location to a second location operating at a higher velocity than the first location.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jeff H. Aftergut

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Primary Examiner  
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JHA  
June 11, 2006